

REMARKS

The above Amendments and these Remarks are in reply to the non-final Office Action mailed October 28, 2008. Claims 1-23 were pending in the Application prior to the outstanding Office Action. Claims 1, 9-13 and 21-23 are currently being amended, and new claims 24-28 are being added. No claims are currently being canceled. Thus, claims 1-28 remain for the Examiner's consideration, with claims 1 and 21-23 being independent. Support for the claim amendments and new claims are provided in the application as originally filed, and thus, no new matter is being added. In view of the above amendments and the following remarks, reconsideration and withdrawal of the outstanding rejections are respectfully requested.¹

I. Examiner Interview Summary Applicant's undersigned representative, Jeffrey Kurin, thanks Examiner Park for the telephonic interview that took place on January 27, 2009. During the interview claim 1 and the Glass and Bruckert references were discussed. Specifically, the Examiner explained how he was interpreting the "modules" in claim 1 and the "fingers" of Glass, and the Examiner provided Applicant's representative with some helpful suggestions for distinguishing the embodiment of claim 1 from the combination of Glass and Bruckert.

II. Summary of Prior Art Rejections

Claims 1-6, 8, 10 and 13-23 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Glass et al. (hereafter Glass)(U.S. Pub. No. 2005/0060643 A1) in view of Bruckert et al. (hereafter Bruckert)(U.S. Patent No. 5,809,020).

Claim 7 was rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Glass in view of Bruckert, as applied to claim 1, and further in view of Horvitz (U.S. Patent No. 7,194,681).

Claims 9, 11 and 12 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Glass in view of Bruckert as applied to claim 1, further in view of Ralston et al. (hereafter Ralston) (U.S. Patent No. 6,842,773).

¹ Applicant notes that in the previous Reply and Amendment filed September 29, 2008, it was stated that claims 1, 3, 4 and 8-23 were amended, when claims 1, 2 (not 3), 4 and 8-23 were actually amended.

III. Discussion of the Claims

Claim 1 **Claim 1**, as amended, is reproduced below for the convenience of the Examiner.

1. A method for classifying email messages, the method comprising:

providing multiple independent modules each of which is configured to analyze email messages;

receiving an email message;

using a plurality of the independent modules to determine a level of sameness of the received email message with one or more prior email messages, wherein each module being used determines a level of sameness in a different manner than the other modules being used, and wherein at least some of the modules being used are each assigned a non-zero weight indicative of the module's performance level;

determining an overall level of sameness for the received email message by combining results of at least two of the plurality of independent modules using the non-zero weights assigned to the modules;

evaluating the performance level for each of the independent modules that were used to determine the level of sameness for the received email message;

comparing the performance levels evaluated for the independent modules that were used to determine the level of sameness for the received email message;

adjusting the non-zero weights of at least two of the modules in response to comparing the performance levels, including increasing the non-zero weight of at least one of the modules and reducing the non-zero weight of at least another one of the modules; and

using the overall level of sameness determined for the received email message to classify the received email message into a category.

Claim 1, as amended, includes the steps of “providing multiple independent modules each of which is configured to analyze email messages”, “receiving an email message” and “using a plurality of the independent modules to determine a level of sameness of the received email message with one or more prior email messages, wherein each module being used determines a level of sameness in a different manner than the other modules being used, and wherein at least some of the modules being used are each assigned a non-zero weight indicative of the module’s performance level”.

In the Office Action it was asserted that the “fingerprinted fingers with different finger types” of Glass teaches the claimed using a plurality of different modules to determine a level of sameness of a received email message with one or more prior email messages. As explained in paragraph [0240] of Glass, Glass represents a document by a set of fingers, where **each finger represents a partial document content feature of the document**. As explained in paragraph [0244] of Glass, a “set of fingerprinted fingers become the handprint representing each documents content”. In other words, a document (e.g., email message) can be represented by a set of fingers, including paragraph fingers, link fingers, and attachment fingers, as explained in paragraphs [0247], [0250] and [0263]. Accordingly, the “fingers” of Glass each represent a different aspect of a document, such as whether the document includes links and information about such links, and whether the document includes attachments and information about such attachments.

Claim 1, as amended, makes is clear that the multiple independent modules are not components that represent a partial document content of an email document. Rather, claim 1 as amended now makes it clear that a module exists independent of an email message, and independent of the other modules. By contrast, the fingers of Glass are generated from a document, which can be an email message. Thus the fingers of Glass do not exist independent of an email message. Further, the fingers of Glass are not “independent modules each of which is configured to analyze email messages”, as required by claim 1 as amended.

On page 4 of the Office Action it was admitted that Glass does not teach that modules are assigned non-zero weights based on the performances of the modules. However, it was then asserted that Bruckert teaches this deficiency of Glass, and that it

would have been obvious to modify Glass based on Bruckert. Applicant respectfully disagrees, as explained below.

Bruckert relates to a method for adaptively adjusting a weighting coefficient in a radio receiver that includes a rake receiver in order to produce a combined signal with a maximum signal to noise ratio (SNR), to counter the effects of multipath fading. The so called “rake fingers” of the receiver are “sub-receivers”, and have nothing to do with the “fingers” of Glass. Accordingly, Bruckert is non-analogous art that one of ordinary skill in the art (e.g., the art of email message analysis) would not look to in order to modify Glass. Accordingly, Applicant respectfully asserts that the combining of Bruckert and Glass is improper.

Further, even if for arguments sake Glass and Bruckert were combined, such a combination would still not teach or suggest that “at least some of the modules being used are each assigned a non-zero weight indicative of the module’s performance level”. On page 4 of the Office Action it was asserted that Bruckert’s adjusting of its weighting coefficients based on the power of a signal transmitted by a base station through different channels teaches that “at least some of the modules is assigned a non-zero weight indicative of the module’s performance level”. Applicant respectfully disagrees. Bruckert assigns weighting coefficients at step 261 (of FIG. 2) using complex algorithms, which are described at columns 9-11, in order to maximize signal to noise ratio (SNR) of a resulting combined signal. Bruckert appears to assign the weighting coefficient based on received signal powers, e.g., where some received signals may be more powerful than others because the signal(s) originated from a closer and/or more powerful base station. Such different signal powers are not “performance levels”, but rather are energy levels. In other words, in Bruckert one rake finger does not perform better than another rake finger, but rather, one rake finger may simply receive a more powerful signal than another rake finger, e.g., because that receiver is tuned to a closer and/or more powerful base station.

For at least the reasons set forth above, Applicant respectfully requests that the 103(a) rejection of claim 1 be reconsidered and withdrawn.

Claims 2-20 Claims 2-20 depend from and add additional features to claim 1. Applicant asserts that these claims are patentable over the applied references for at least the reason that they depend from claim 1, as well as for the features that they add.

Claim 21-23 Independent claims 21-23, as amended, are believed to be patentable over the applied references for similar reasons to those discussed above with regards to claim 1. Accordingly, Applicant respectfully requests that the 103(a) rejections of these claims also be reconsidered and withdrawn.

Claims 24-28 New claims 24-28, which depend from claim 1, have been added to claim further features of embodiments of the present invention which are not taught or suggested by the cited references, alone, or in combination.

IV. Conclusion

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge the required fees and any underpayment of fees or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Jeffrey R. Kurin/
Jeffrey R. Kurin
Reg. No. 41,132

FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910